

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 231

HOUSE BILL 2028

AN ACT

AMENDING SECTIONS 32-1501, 32-1504, 32-1506, 32-1525, 32-1526 AND 32-1921, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3002.13, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3005.15; RELATING TO THE NATUROPATHIC PHYSICIANS BOARD OF MEDICAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1501, Arizona Revised Statutes, is amended to
3 read:

4 32-1501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Accepted therapeutic purpose" means treatment of a disease,
7 injury, ailment or infirmity that is competent and generally recognized as
8 safe and effective.

9 2. "Active license" means a current valid license to practice
10 naturopathic medicine.

11 3. "Adequate medical records" means medical records containing
12 sufficient information to identify the patient, the diagnosis and the
13 treatment prescribed.

14 4. "Approved clinical training program" or "clinical training program"
15 means a program for naturopathic medical students in which the training
16 occurred or is being conducted by or in conjunction with an approved school
17 of naturopathic medicine.

18 5. "Approved internship program" or "internship" means that the
19 program in which the training occurred or is being conducted has been
20 approved for internship training for physicians or for graduates of a school
21 of naturopathic medicine by the board or was approved or accredited by an
22 educational or professional association recognized by the board or by another
23 state's or country's licensing agency recognized by the board.

24 6. "Approved postdoctoral training" or "postdoctoral training" means
25 that the program in which the training occurred or is being conducted has
26 been approved for specialty training or for graduate medical education in
27 naturopathic medicine by the board or approved or accredited by an
28 educational or professional association recognized by the board or by another
29 state's or country's licensing agency recognized by the board.

30 7. "Approved preceptorship program" or "preceptorship" means that the
31 program in which the training occurred or is being conducted has been
32 approved for preceptorship training for physicians or for graduates of a
33 school of naturopathic medicine by the board or was approved or accredited
34 by an educational or professional association recognized by the board or by
35 another state's or country's licensing agency recognized by the board.

36 8. "Approved school of naturopathic medicine" or "school of
37 naturopathic medicine" means a school or college determined by the board to
38 have an educational program that meets board standards as prescribed by board
39 rules, offering a course of study which, on successful completion, results
40 in the awarding of the degree of doctor of naturopathic medicine and whose
41 course of study is any of the following:

42 (a) Accredited or a candidate for accreditation by an accrediting
43 agency recognized by the United States secretary of education as a
44 specialized accrediting agency for schools of naturopathic medicine or its
45 successor.

1 (b) Accredited or a candidate for accreditation by an accrediting
2 agency recognized by the council for higher education accreditation or its
3 successor.

4 9. "Board" means the naturopathic physicians board of medical
5 examiners.

6 10. "CHELATION THERAPY" MEANS AN EXPERIMENTAL MEDICAL THERAPY TO
7 RESTORE CELLULAR HOMEOSTASIS THROUGH THE USE OF INTRAVENOUS, METAL-BINDING
8 AND BIOINORGANIC AGENTS SUCH AS ETHYLENE DIAMINE TETRAACETIC ACID. CHELATION
9 THERAPY DOES NOT INCLUDE EXPERIMENTAL THERAPY USED TO TREAT HEAVY METAL
10 POISONING.

11 ~~10.~~ 11. "Completed application" means that the applicant paid the
12 required fees and supplied all documents and information as requested by the
13 board and in a manner acceptable to the board.

14 ~~11.~~ 12. "Doctor of naturopathic medicine" means a natural person
15 licensed to practice naturopathic medicine under this chapter.

16 13. "DRUG" HAS THE SAME MEANING PRESCRIBED IN SECTION 32-1901 BUT DOES
17 NOT INCLUDE:

18 (a) INTRAVENOUS ADMINISTRATION OF LEGEND DRUGS, EXCEPT FOR VITAMINS,
19 CHELATION THERAPY AND DRUGS USED IN EMERGENCY RESUSCITATION AND
20 STABILIZATION.

21 (b) CONTROLLED SUBSTANCES LISTED AS SCHEDULE I OR II CONTROLLED
22 SUBSTANCES AS DEFINED IN THE FEDERAL CONTROLLED SUBSTANCES ACT OF 1970 (21
23 UNITED STATES CODE SECTION 802), EXCEPT MORPHINE.

24 (c) CANCER CHEMOTHERAPEUTICS CLASSIFIED AS LEGEND DRUGS.

25 (d) ANTIPSYCHOTICS.

26 14. "LEGEND DRUG" MEANS ANY DRUG DEFINED BY SECTION 503(b) OF THE
27 FEDERAL FOOD, DRUG AND COSMETIC ACT AND UNDER WHICH DEFINITION ITS LABEL IS
28 REQUIRED TO BEAR THE STATEMENT "RX ONLY".

29 ~~12.~~ 15. "Letter of concern" means a nondisciplinary advisory letter
30 that is issued by the board to a person who is regulated under this chapter
31 and that states that while there is insufficient evidence to support
32 disciplinary action the board believes that the person should modify or
33 eliminate certain practices and that continuation of the activities that led
34 to the information being submitted to the board may result in action against
35 the person's license, certificate or registration.

36 ~~13.~~ 16. "Letter of reprimand" means a disciplinary letter that is
37 issued by the board and that informs a person who is regulated under this
38 chapter that the person's conduct violates state or federal law but does not
39 require the board to restrict the person's license, certificate or
40 registration because the person's conduct did not result in harm to a patient
41 or to the public.

42 ~~14.~~ 17. "Medical assistant" or "naturopathic medical assistant" means
43 a person who is certified by the board as a medical assistant, who assists
44 a doctor of naturopathic medicine and who may perform delegated procedures
45 that are commensurate with the assistant's education and training under the

1 direct supervision of a doctor of naturopathic medicine and that do not
2 include diagnosing, designing or modifying established treatment programs or
3 those procedures prohibited by the board or by this chapter.

4 ~~15.~~ 18. "Medically incompetent" means a person who is licensed,
5 certified or registered pursuant to this chapter and who lacks sufficient
6 naturopathic medical knowledge or skills, or both, to a degree that is likely
7 to endanger the health of patients.

8 ~~16.~~ 19. "Naturopathic medical student" means a person who is enrolled
9 in a course of study at an approved school of naturopathic medicine.

10 ~~17.~~ 20. "Naturopathic medicine" means medicine as taught in approved
11 schools of naturopathic medicine and in clinical, internship, preceptorship
12 and postdoctoral training programs approved by the board and practiced by a
13 recipient of a degree of doctor of naturopathic medicine licensed pursuant
14 to this chapter.

15 ~~18.~~ 21. "Nurse" means a person licensed pursuant to chapter 15 of this
16 title.

17 ~~19.~~ 22. "Physician" means a doctor of naturopathic medicine licensed
18 pursuant to this chapter.

19 ~~20.~~ 23. "Practice of naturopathic medicine" means a medical system of
20 diagnosing and treating diseases, injuries, ailments, infirmities and other
21 conditions of the human mind and body including by natural means, drugless
22 methods, DRUGS, nonsurgical methods, devices, physical, electrical, hygienic
23 and sanitary measures and all forms of physical agents and modalities.

24 ~~21.~~ 24. "Specialist" means a physician who has successfully completed
25 approved postdoctoral training, who is certified by a specialty board of
26 examiners recognized by the board and who is certified by the board to
27 practice the specialty pursuant to this chapter.

28 ~~22.~~ 25. "Unprofessional conduct" includes the following, whether
29 occurring in this state or elsewhere:

30 (a) Intentionally disclosing a professional secret or intentionally
31 disclosing a privileged communication except as either of these may otherwise
32 be required by law.

33 (b) Any dishonorable conduct reflecting unfavorably on the profession.

34 (c) Committing a felony, whether or not involving moral turpitude, or
35 a misdemeanor involving moral turpitude. In either case conviction by any
36 court of competent jurisdiction or a plea of no contest is conclusive
37 evidence of the commission of the felony or misdemeanor.

38 (d) Habitual intemperance in the use of alcohol or any substance
39 abuse.

40 (e) The illegal use of any narcotic or hypnotic drugs, or illegal
41 substances.

42 (f) Conduct that the board determines is gross malpractice, repeated
43 malpractice or any malpractice resulting in the death of a patient.

44 (g) Impersonating another doctor of naturopathic medicine or any other
45 practitioner of the healing arts.

1 (h) Falsely acting or assuming to act as a member, an employee or an
2 authorized agent of the board.

3 (i) Procuring or attempting to procure a license or a certificate
4 pursuant to this chapter by fraud, by misrepresentation or by knowingly
5 taking advantage of the mistake of another person or agency.

6 (j) Having professional connection with or lending one's name to
7 enhance or continue the activities of an illegal physician or an illegal
8 practitioner of any healing art.

9 (k) Representing that a manifestly incurable disease, injury, ailment
10 or infirmity can be permanently cured, or falsely or fraudulently
11 representing that a curable disease, injury, ailment or infirmity can be
12 cured within a stated time.

13 (l) Offering, undertaking or agreeing to cure or treat a disease,
14 injury, ailment or infirmity by a secret means, method, treatment, medicine,
15 substance, device or instrumentality.

16 (m) Refusing to divulge to the board upon demand the means, method,
17 treatment, medicine, substance, device or instrumentality used in the
18 treatment of a disease, injury, ailment or infirmity.

19 (n) Giving or receiving, or aiding or abetting the giving or receiving
20 of, rebates, either directly or indirectly.

21 (o) Knowingly making any false or fraudulent statement, written or
22 oral, in connection with the practice of naturopathic medicine or any
23 naturopathic treatment method.

24 (p) Immorality or misconduct that tends to discredit the naturopathic
25 profession.

26 (q) Refusal, revocation or suspension of a license by any other state,
27 district or territory of the United States or any other country, unless it
28 can be shown that this action was not due to reasons that relate to the
29 ability to safely and skillfully practice as a doctor of naturopathic
30 medicine or to any act of unprofessional conduct in this paragraph.

31 (r) Any conduct or practice that is contrary to recognized standards
32 of ethics of the naturopathic profession, any conduct or practice that does
33 or might constitute a danger to the health, welfare or safety of the patient
34 or the public, or any conduct, practice or condition that does or might
35 impair the ability to safely and skillfully practice as a doctor of
36 naturopathic medicine.

37 (s) Failure to observe any federal, state, county or municipal law
38 relating to public health as a physician in this state.

39 (t) Violating or attempting to violate, directly or indirectly, or
40 assisting in or abetting the violation of, or conspiring to violate any of
41 the provisions of this chapter or board rules.

42 (u) False, fraudulent, deceptive or misleading advertising or
43 advertising the quality of a medical or health care service by a physician
44 or by the physician's staff, employer or representative.

1 (v) Failing or refusing to maintain adequate medical records on a
2 patient or failing or refusing to make medical records in the physician's
3 possession promptly available to another physician or health care provider
4 who is licensed pursuant to chapter 7, 8, 13, 15, 17 or 29 of this title on
5 request and receipt of proper authorization to do so from the patient, a
6 minor patient's parent, the patient's legal guardian or the patient's
7 authorized representative or failing to comply with title 12, chapter 13,
8 article 7.1.

9 (w) Referring a patient to a diagnostic or treatment facility or
10 prescribing goods and services without disclosing in writing to the patient
11 that the physician has a pecuniary interest in the facility, goods or
12 services to which the patient is referred or prescribed. This subdivision
13 does not apply to a referral by one physician or practitioner to another
14 physician or practitioner within a group of physicians or practitioners
15 practicing together.

16 (x) Sexual intimacies with a patient in the course of direct
17 treatment.

18 (y) Failing to dispense ~~natural substances~~ DRUGS and devices in
19 compliance with article 4 of this chapter.

20 (z) Administering, dispensing or prescribing any ~~natural substance~~
21 DRUG or a device for other than an accepted therapeutic purpose.

22 (aa) Falsely representing or holding oneself out as being a specialist
23 or representation by a doctor of naturopathic medicine or the doctor's staff,
24 employer or representative that the doctor is boarded or board certified if
25 this is not true or that standing is not current.

26 (bb) Delegating professional duties and responsibilities to a person
27 if the person has not been approved or qualified by licensure or by
28 certification to perform these duties or responsibilities.

29 (cc) Failing to appropriately supervise a naturopathic medical
30 student, a nurse, a medical assistant, a health care provider or a technician
31 employed by or assigned to the physician during the performance of delegated
32 professional duties and responsibilities.

33 (dd) Using experimental forms of diagnosis or treatment without
34 adequate informed consent of the patient or the patient's legal guardian and
35 without conforming to experimental criteria including protocols, detailed
36 records, periodic analysis of results and periodic review by a medical peer
37 review committee as approved by the federal food and drug administration or
38 its successor agency.

39 (ee) Failing to furnish information in a timely manner to the board
40 or investigators or representatives of the board if this information is
41 legally requested by the board and failing to allow properly authorized board
42 personnel on demand to examine and have access to documents, reports and
43 records maintained by the physician that relate to the physician's medical
44 practice or medically related activities.

1 (ff) Failing to report in writing to the board evidence that a person
2 licensed, certified or registered pursuant to this chapter is or may be
3 medically incompetent, guilty of unprofessional conduct or mentally or
4 physically unable to safely practice or assist in the practice of
5 naturopathic medicine.

6 (gg) Conducting or engaging in an internship, preceptorship or
7 clinical training program in naturopathic medicine without being approved and
8 registered by the board for that internship, preceptorship or clinical
9 training program.

10 (hh) Signing a blank, undated or predated prescription form.

11 (ii) Conduct that the board determines is gross negligence, repeated
12 negligence or negligence resulting in harm or death to a patient.

13 (jj) Knowingly making a false or misleading statement in oral
14 testimony to the board on a form required by the board or in written
15 correspondence to the board, including attachments to that correspondence.

16 (kk) The failure of a physician who is the chief medical officer, the
17 executive officer or the chief of staff of an internship, a preceptorship or
18 a clinical training program to report in writing to the board that the
19 privileges of a doctor of naturopathic medicine, a naturopathic medical
20 student or a medical assistant have been denied, limited, revoked or
21 suspended because that doctor's, student's or assistant's actions appear to
22 indicate that the person is or may be medically incompetent, is or may be
23 guilty of unprofessional conduct or is or may be unable to safely engage or
24 assist in the practice of naturopathic medicine.

25 (ll) Action taken against a doctor of naturopathic medicine by a
26 licensing or regulatory board in another jurisdiction due to that doctor's
27 mental or physical inability to engage safely in the practice of medicine,
28 the doctor's medical incompetence or for unprofessional conduct as defined
29 by that licensing or regulatory board and that corresponds directly or
30 indirectly to an act of unprofessional conduct prescribed by this
31 paragraph. The action taken may include refusing, denying, revoking or
32 suspending a license, otherwise limiting, restricting or monitoring a
33 licensee or placing a licensee on probation by that licensing or regulatory
34 board.

35 (mm) Sanctions imposed by an agency of the federal government,
36 including restricting, suspending, limiting or removing a person from the
37 practice of naturopathic medicine or restricting that person's ability to
38 obtain financial remuneration.

39 (nn) Violating any formal order, probation, consent agreement or
40 stipulation issued or entered into by the board pursuant to this chapter.

41 (oo) Refusing to submit to a body fluid examination pursuant to a
42 board investigation of alleged substance abuse by a doctor of naturopathic
43 medicine.

44 (pp) Charging a fee for services not rendered or dividing a
45 professional fee for patient referrals among health care providers or health

1 care institutions or between these providers and institutions or a
2 contractual arrangement that has this effect.

3 (qq) Obtaining a fee by fraud, deceit or misrepresentation.

4 (rr) Charging or collecting a clearly excessive fee. In determining
5 if a fee is clearly excessive the board shall consider the fee or range of
6 fees customarily charged in this state for similar services, in light of
7 modifying factors such as the time required, the complexity of the service
8 and the skill required to perform the service properly. This subdivision
9 does not apply if there is a clear written contract for a fixed fee between
10 the physician and the patient that was entered into before the service was
11 provided.

12 (ss) WITH THE EXCEPTION OF HEAVY METAL POISONING, USING CHELATION
13 THERAPY IN THE TREATMENT OF ARTERIOSCLEROSIS OR AS ANY OTHER FORM OF THERAPY
14 WITHOUT ADEQUATE INFORMED PATIENT CONSENT AND WITHOUT CONFORMING TO GENERALLY
15 ACCEPTED EXPERIMENTAL CRITERIA, INCLUDING PROTOCOLS, DETAILED RECORDS,
16 PERIODIC ANALYSIS OF RESULTS AND PERIODIC REVIEW BY A MEDICAL PEER REVIEW
17 COMMITTEE.

18 Sec. 2. Section 32-1504, Arizona Revised Statutes, is amended to read:

19 32-1504. Powers and duties

20 A. The board shall:

21 1. Adopt rules that are necessary or proper for the administration of
22 this chapter.

23 2. Administer and enforce all provisions of this chapter and all rules
24 adopted by the board under the authority granted by this chapter.

25 3. Adopt rules regarding the qualifications of medical assistants who
26 assist doctors of naturopathic medicine and SHALL determine the
27 qualifications of medical assistants who are not otherwise licensed by law.

28 4. Adopt rules for the approval of schools of naturopathic medicine.
29 The board may incorporate by reference the accrediting standards for
30 naturopathic medical schools published by accrediting agencies recognized by
31 the United States department of education or recognized by the council for
32 higher education accreditation.

33 5. Adopt rules relating to clinical, internship, preceptorship and
34 postdoctoral training programs, naturopathic graduate medical education and
35 naturopathic continuing medical education programs. THE RULES FOR
36 NATUROPATHIC CONTINUING MEDICAL EDUCATION PROGRAMS SHALL REQUIRE AT LEAST TEN
37 HOURS EACH YEAR DIRECTLY RELATED TO PHARMACOTHERAPEUTICS.

38 6. Periodically inspect and evaluate schools of naturopathic medicine,
39 clinical, internship, preceptorship and postdoctoral training programs, AND
40 naturopathic graduate medical education programs and randomly evaluate
41 naturopathic continuing medical education programs.

42 7. Adopt rules relating to the dispensing of natural substances, DRUGS
43 and devices.

44 8. Adopt and use a seal.

1 9. Adopt rules for conducting licensing examinations required by this
2 chapter.

3 10. Have the full and free exchange of information with the licensing
4 and disciplinary boards of other states and countries and with the American
5 board of naturopathic medical specialties, the Arizona naturopathic medical
6 association, the association of naturopathic medical colleges, the federation
7 of naturopathic medical licensing boards and the naturopathic medical
8 societies of other states, districts and territories of the United States or
9 other countries.

10 B. The board may:

11 1. Adopt rules that prescribe annual continuing medical education for
12 the renewal of licenses issued under this chapter.

13 2. Employ permanent or temporary personnel it deems necessary to carry
14 out the purposes of this chapter and designate their duties.

15 3. Adopt rules relating to naturopathic medical specialties and
16 determine the qualifications of doctors of naturopathic medicine who may
17 represent or hold themselves out as being specialists.

18 4. If reasonable cause exists to believe that an applicant's
19 competency is in question, require an applicant for licensure to undergo any
20 combination of physical, mental, blood and laboratory tests.

21 5. Be a dues paying member of national organizations that support
22 licensing agencies in their licensing and regulatory duties and pay the
23 travel expenses involved for a designated board member or the executive
24 director to represent the board at the annual meeting of these organizations.

25 Sec. 3. Section 32-1506, Arizona Revised Statutes, is amended to read:

26 32-1506. Directory; fee

27 A. The board shall compile and publish an annual directory containing
28 the following:

29 1. The names and addresses of the officers and members of the board.
30 The board shall not publish the residential address and residential telephone
31 number or numbers of an officer or board member without that person's written
32 permission.

33 2. The names and addresses of all persons licensed or certified by the
34 board. THE DIRECTORY SHALL CLEARLY IDENTIFY EACH PHYSICIAN AUTHORIZED TO
35 PRESCRIBE DRUGS AND SHALL INCLUDE A LICENSE IDENTIFYING SYSTEM THAT CLEARLY
36 INDICATES WHETHER THE NATUROPATHIC PHYSICIAN HAS AUTHORITY TO PRESCRIBE DRUGS
37 PURSUANT TO THIS CHAPTER. The board shall not publish a person's residential
38 address and residential telephone number or numbers unless they are the only
39 address and numbers of record.

40 3. A copy of this chapter and the current rules of the board.

41 4. The names and addresses of naturopathic medical schools and whether
42 they are approved by the board or approved or accredited by an educational
43 or professional association or another state or country licensing agency
44 recognized by the board.

1 ~~5. A list of natural substances compiled by the board that may be~~
2 ~~dispensed by a physician who is in compliance with article 4 of this chapter.~~

3 ~~6. 5. Additional information as the board deems of interest and~~
4 ~~importance to doctors of naturopathic medicine and to persons who hold~~
5 ~~certificates issued by the board.~~

6 B. The board shall make copies of the directory available to persons
7 who are licensed or certified under this chapter and may sell the directory
8 at a cost not to exceed twenty-five dollars.

9 C. The board shall deposit, pursuant to sections 35-146 and 35-147,
10 monies collected pursuant to this section in the naturopathic physicians
11 board of medical examiners fund.

12 Sec. 4. Section 32-1525, Arizona Revised Statutes, is amended to read:

13 32-1525. Examinations

14 A. Examinations required under sections 32-1522 and 32-1523 shall be
15 conducted at a time and place designated by the board but no less frequently
16 than semiannually. An applicant to be examined shall have first filed a
17 completed application found to be true and correct and approved by the
18 board. An applicant approved by the board shall be given at least thirty
19 days' written notice of the time and place at which the examination shall be
20 given. The board shall recognize a written national examination and may
21 administer its own examination only for those areas that are not covered on
22 the national examination. The board must accept the grade issued on the
23 national examination without adjustment. A board member or staff member
24 shall not have any financial interest in the national examination
25 administered by the board.

26 B. The examination required for a license under section 32-1522 shall
27 include the following subjects:

28 1. The basic medical science subjects of anatomy, basic pharmacology
29 and toxicology, biochemistry, microbiology and immunology, physiology,
30 pathology and naturopathic jurisprudence.

31 2. The clinical medical science subjects of dermatology, ophthalmology
32 and otolaryngology, geriatrics, infectious diseases, neurology and
33 psychiatry, pediatrics, obstetrics and gynecology, orthopedics, physical
34 medicine and rehabilitation.

35 3. The clinical competency medical subjects of emergency medicine and
36 minor surgery, clinical pharmacology, internal medicine, laboratory diagnosis
37 and diagnostic imaging, clinical nutrition, botanicals and diet therapy.

38 4. FOR ALL PERSONS APPLYING FOR A LICENSE AFTER JANUARY 1, 2005,
39 PHARMACOTHERAPEUTICS.

40 C. The examination required for a license by endorsement under section
41 32-1523 shall consist of an examination in arizona naturopathic jurisprudence
42 that is administered by the board.

43 D. Examinations for licensure under this chapter shall:

44 1. Be practical in character and consist of multiple choice and true
45 and false questions.

1 2. Be designed to ascertain the applicant's knowledge of naturopathic
2 medicine and the applicant's ability to practice naturopathic medicine.

3 3. Include examination questions that are generally accepted as
4 necessary for a competent knowledge of the practice of naturopathic medicine.

5 E. The board shall prescribe rules for conducting examinations.

6 F. An applicant shall obtain a scaled grade average of seventy-five
7 per cent or more on the national examination with no single grade less than
8 seventy per cent and shall obtain a grade of seventy-five per cent or more
9 in each subject administered by the board that is not covered on the national
10 examination.

11 G. An applicant may challenge the applicant's grade on an examination
12 by submitting a written request to the board within sixty days of receiving
13 the grade. If the board upholds the applicant's challenge, it may within one
14 hundred twenty days of the challenge change the grade on the examination on
15 the vote of a majority of the full board.

16 H. An applicant for examination shall take and complete all of the
17 examinations required by this section within a five year period. Each time
18 an applicant files a request with the board to retake any part of an
19 examination, the applicant shall pay the examination fee pursuant to section
20 32-1527.

21 ~~I. The board may accept an application for examination without a~~
22 ~~licensure application from a naturopathic medical student if both of the~~
23 ~~following requirements are met:~~

24 ~~1. The student files a completed application and pays the required~~
25 ~~application and examination fee prescribed in section 32-1527 to take or to~~
26 ~~retake part one or part two, or both, of the examination subjects required~~
27 ~~in subsection B of this section.~~

28 ~~2. The application shall contain a verified statement from the dean~~
29 ~~of the school of naturopathic medicine that the applicant is attending that~~
30 ~~the applicant has successfully completed the courses listed in the~~
31 ~~application for examination.~~

32 ~~J. An applicant pursuant to subsection I of this section who~~
33 ~~successfully passes examination subjects required pursuant to subsection B,~~
34 ~~paragraphs 1 and 2 of this section may transfer these results to an~~
35 ~~application for a license.~~

36 K. I. The board shall accept examinations conducted by a national
37 board of examiners recognized by the board for those subjects encompassed
38 pursuant to subsection B, paragraphs 1, 2 and 3 of this section if the
39 applicant for licensure successfully passed the examination with a scaled
40 grade average of at least seventy-five per cent with no single grade less
41 than seventy per cent and the national board submits an affidavit to the
42 board that confirms the examination grade of the applicant.

43 ~~L. J. All examination materials and records of examination grading~~
44 ~~are confidential and are not public records.~~

1 Sec. 5. Section 32-1526, Arizona Revised Statutes, is amended to read:
2 32-1526. Licenses; certificates; issuance; renewal; failure to
3 renew

4 A. The board shall issue licenses and certificates to applicants who
5 are qualified under this chapter. The board shall only issue licenses under
6 this chapter on the vote of a majority of the full board. Subject to review
7 by the board at its next board meeting, the executive director may issue
8 temporary licenses pursuant to section 32-1522.01 and certificates to
9 qualified applicants.

10 B. A person licensed or certified by the board shall pay the issuance
11 fee prescribed in section 32-1527.

12 C. Each physician who holds an active license to practice naturopathic
13 medicine in this state shall renew the license on or before January 1 of each
14 year by supplying the executive director with information the board
15 determines is necessary and payment of the annual renewal fee prescribed in
16 section 32-1527.

17 D. A physician who holds a certificate to dispense shall renew the
18 certificate on or before July 1 of each year by supplying the executive
19 director with information the board determines is necessary and by paying the
20 annual renewal fee prescribed in section 32-1527.

21 E. A person who holds a certificate as a medical assistant shall renew
22 the certificate on or before July 1 of each year by supplying the executive
23 director with information the board determines is necessary and by paying the
24 annual renewal fee prescribed in section 32-1527.

25 F. A person who holds a certificate to conduct an internship, a
26 preceptorship or a clinical training program, a postdoctoral training program
27 or a school of naturopathic medicine shall renew the certificate on or before
28 January 1 of each year by supplying the executive director with information
29 the board determines is necessary and by paying the annual renewal fee
30 prescribed in section 32-1527.

31 G. A licensee or certificate holder who is in good standing and whose
32 license or certificate is current may, at any time, request and shall be
33 granted cancellation of the license or certificate.

34 H. A naturopathic medical student who holds a certificate to engage
35 in a clinical training program shall renew the certificate for each year of
36 the student's clinical training by supplying the executive director with
37 information the board determines is necessary and paying the annual renewal
38 fee prescribed in section 32-1527. The initial annual renewal date shall be
39 one year after the board approved the application for the clinical training
40 program.

41 I. A person who is a graduate of an approved school of naturopathic
42 medicine and who holds a certificate to engage in an internship program or
43 a preceptorship program shall renew the certificate for each year of the
44 person's internship or preceptorship by supplying the executive director with
45 information the board determines is necessary and paying the annual renewal

1 fee prescribed in section 32-1527. The initial annual renewal date shall be
2 one year after the board approved the application for the internship or the
3 preceptorship.

4 J. A PERSON LICENSED PURSUANT TO THIS CHAPTER BEFORE JANUARY 1, 2005
5 WHO ELECTS TO PRESCRIBE DRUGS SHALL COMPLETE AND PASS A BOARD APPROVED COURSE
6 AND EXAMINATION BEFORE JANUARY 1, 2005 AS A CONDITION OF BEING ABLE TO
7 PRESCRIBE DRUGS. BEGINNING ON JANUARY 1, 2005, A PERSON LICENSED PURSUANT
8 TO THIS CHAPTER SHALL COMPLETE AND PASS A BOARD APPROVED COURSE AND
9 EXAMINATION AS A CONDITION OF BEING LICENSED. ANY COURSE APPROVED BY THE
10 BOARD SHALL CONSIST OF AT LEAST SIXTY CONTACT HOURS OF CONTINUING MEDICAL
11 EDUCATION IN PHARMACOTHERAPEUTICS AND SHALL BE DEVELOPED WITH INPUT
12 CONCERNING THE CONTENT, DEPTH, SCOPE AND METHOD OF TEACHING FROM ALLOPATHIC,
13 OSTEOPATHIC, NATUROPATHIC AND PHARMACY SCHOOLS LOCATED IN THIS STATE. THE
14 BOARD SHALL APPROVE THE PHARMACOTHERAPEUTICS EXAMINATION, WITH INPUT
15 CONCERNING THE CONTENT, DEPTH, SCOPE AND METHOD OF TESTING FROM ALLOPATHIC,
16 OSTEOPATHIC, NATUROPATHIC AND PHARMACY SCHOOLS LOCATED IN THIS STATE.

17 ~~J.~~ K. A person who fails to renew a license or certificate within
18 thirty days after the due date shall pay a late renewal fee ~~for late renewal~~
19 as prescribed in section 32-1527. A person who fails to do so within sixty
20 days after the due date without adequate cause acceptable to the board is
21 subject to probation, suspension or revocation pursuant to section 32-1551.

22 ~~K.~~ L. The failure of a person to renew as prescribed by this section
23 and to pay the renewal fee automatically suspends the rights and privileges
24 granted under this chapter.

25 ~~L.~~ M. The board may reinstate a license or certificate on payment of
26 all renewal and penalty fees as prescribed in section 32-1527 and, if
27 requested by the board, presentation of evidence satisfactory to the board
28 that the suspended person is professionally able to engage or assist in the
29 practice of naturopathic medicine and still possesses the professional
30 knowledge required.

31 ~~M.~~ N. After a hearing the board may refuse to reinstate a license or
32 certificate for any grounds prescribed in section 32-1551.

33 Sec. 6. Section 32-1921, Arizona Revised Statutes, is amended to read:

34 32-1921. Exempted acts; exemption from registration fees;
35 definition

36 A. This chapter does not prevent:

37 1. The prescription and dispensing of drugs or prescription
38 medications by a registered nurse practitioner pursuant to rules adopted by
39 the board of nursing in consultation with the allopathic board of medical
40 examiners, the board of osteopathic examiners in medicine and surgery and the
41 board of pharmacy.

42 2. The sale of nonprescription drugs that are sold at retail in
43 original packages by a person holding a permit under this chapter.

1 3. The sale of drugs at wholesale by a wholesaler or manufacturer that
2 holds the required permit issued by the board to a person who holds the
3 required permit issued under this chapter.

4 4. The following health professionals from dispensing or personally
5 administering drugs or devices to a patient for a condition being treated by
6 the health professional:

7 (a) A doctor of medicine licensed pursuant to chapter 13 of this
8 title.

9 (b) An osteopathic physician licensed pursuant to chapter 17 of this
10 title.

11 (c) A homeopathic physician licensed pursuant to chapter 29 of this
12 title.

13 (d) A podiatrist licensed pursuant to chapter 7 of this title.

14 (e) A dentist licensed pursuant to chapter 11 of this title.

15 (f) A doctor of naturopathic medicine WHO IS AUTHORIZED TO PRESCRIBE
16 NATURAL SUBSTANCES, DRUGS OR DEVICES AND WHO IS licensed pursuant to chapter
17 14 of this title for ~~natural substances and devices.~~

18 (g) An optometrist who is licensed pursuant to chapter 16 of this
19 title and who is certified for topical or oral pharmaceutical agents.

20 5. A veterinarian licensed pursuant to chapter 21 of this title from
21 dispensing or administering drugs to an animal or from dispensing or
22 administering devices to an animal being treated by the veterinarian.

23 6. The use of any pesticide chemical, soil or plant nutrient or other
24 agricultural chemical which is a color additive solely because of its effect
25 in aiding, retarding or otherwise affecting directly or indirectly the growth
26 or other natural physiological process of produce of the soil and thereby
27 affecting its color whether before or after harvest.

28 7. A licensed practical or registered nurse employed by a person
29 licensed pursuant to chapter 7, 11, 13, 14, 17 or 29 of this title from
30 assisting in the delivery of drugs and devices to patients, in accordance
31 with the provisions of chapter 7, 11, 13, 14, 17 or 29 of this title.

32 8. The use of any mechanical device or vending machine in connection
33 with the sale of any nonprescription drug, including proprietary and patent
34 medicine. The board may adopt rules to prescribe conditions under which
35 nonprescription drugs may be dispensed pursuant to this paragraph. ~~For the~~
36 ~~purposes of this paragraph, "nonprescription drug" has the same meaning~~
37 ~~prescribed in section 32-1901.~~

38 B. A person who is licensed pursuant to chapter 7, 11, 13, 14, 17 or
39 29 of this title and who employs a licensed practical or registered nurse who
40 in the course of employment assists in the delivery of drugs and devices is
41 responsible for the dispensing process.

42 C. Pursuant to a prescription order written by a physician for the
43 physician's patients and dispensed by a licensed pharmacist, a physical
44 therapist licensed pursuant to chapter 19 of this title may procure, store
45 and administer nonscheduled legend and topical anti-inflammatories and

1 topical anesthetics for use in phonophoresis and iontophoresis procedures and
2 within the scope of practice of physical therapy.

3 D. A public health facility operated by this state or a county and a
4 qualifying community health center may dispense medication or devices to
5 patients at no cost without providing a written prescription if the public
6 health facility or the qualifying community health center meets all storage,
7 labeling, safety and record keeping rules adopted by the board of pharmacy.

8 E. A person who is licensed pursuant to chapter 7, 11, 13, 14, 17 or
9 29 of this title, who is practicing at a public health facility or a
10 qualifying community health center and who is involved in the dispensing of
11 medication or devices only at a facility or center, whether for a charge or
12 at no cost, shall register to dispense with the appropriate licensing board
13 but is exempt from paying registration fees.

14 F. For the purposes of this section, "qualifying community health
15 center" means a primary care clinic that is recognized as nonprofit under
16 section 501(c)(3) of the United States internal revenue code and whose board
17 of directors includes patients of the center and residents of the center's
18 service area.

19 Sec. 7. Repeal

20 Section 41-3002.13, Arizona Revised Statutes, is repealed.

21 Sec. 8. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
22 amended by adding section 41-3005.15, to read:

23 41-3005.15. Naturopathic physicians board of medical examiners;
24 termination July 1, 2005

25 A. THE NATUROPATHIC PHYSICIANS BOARD OF MEDICAL EXAMINERS TERMINATES
26 ON JULY 1, 2005.

27 B. TITLE 32, CHAPTER 14 IS REPEALED ON JANUARY 1, 2006.

28 Sec. 9. Purpose

29 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
30 the legislature continues the naturopathic physicians board of medical
31 examiners to promote the safe and professional practice of naturopathic
32 medicine.

33 Sec. 10. Scope of act; prescription authority

34 A. This act codifies the prescribing authority for naturopathic
35 physicians who are licensed to practice naturopathic medicine in this
36 state. This act addresses the prescribing authority for those naturopathic
37 physicians who are already licensed to practice naturopathy in this state,
38 as well as those who seek to become licensed to practice naturopathy in this
39 state. As prescribed and within the time periods established by this act,
40 the legislature specifically permits only those naturopathic physicians who
41 timely satisfy this act's education and examination requirements to continue
42 to prescribe drugs as defined in section 32-1501, Arizona Revised Statutes.

43 B. A naturopathic physician licensed in this state before January 1,
44 2005 who completes the pharmacotherapeutic education and examination required
45 by this act at any time before January 1, 2005 may prescribe drugs both

1 before and subsequent to the completion of the education and examination
2 requirements prescribed by this act.

3 C. The legislature terminates the authority to prescribe drugs for any
4 naturopathic physician licensed in this state before January 1, 2005 who has
5 not completed the pharmacotherapeutic education and examination required by
6 this act before January 1, 2005. If a naturopathic physician has not
7 completed the pharmacotherapeutic education and examination required by this
8 act before January 1, 2005, the naturopathic physician will not be permitted
9 to prescribe drugs beginning on January 1, 2005.

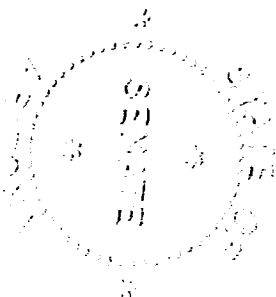
10 D. A naturopathic physician licensed before January 1, 2005 may elect
11 to continue to be licensed as a naturopathic physician without completing the
12 pharmacotherapeutic education and examination required by this act as a
13 condition of continued licensure but will not be permitted to prescribe drugs
14 after December 31, 2004 without first completing the pharmacotherapeutic
15 education and examination required by this act.

16 Sec. 11. Retroactivity

17 Sections 7 and 8 of this act are effective retroactively to July 1,
18 2002.

APPROVED BY THE GOVERNOR MAY 20, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2002.



Passed the House January 29, 2002,

by the following vote: 57 Ayes,

2 Nays, 1 Not Voting

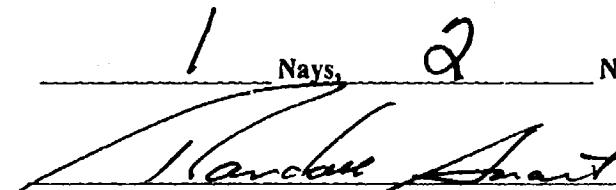

Speaker of the House


Chief Clerk of the House

Passed the Senate April 25, 2002

by the following vote: 27 Ayes,

1 Nays, 2 Not Voting


President of the Senate

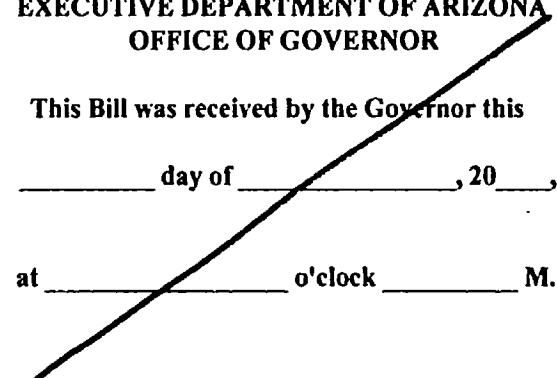

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

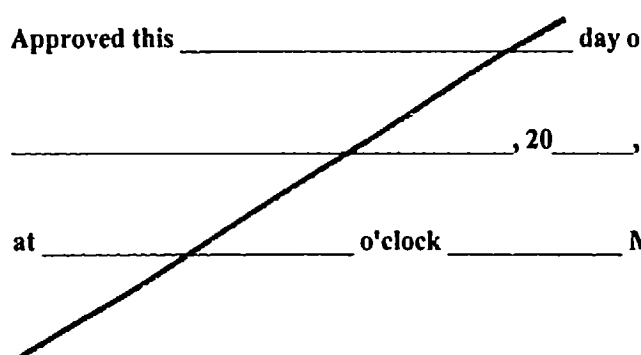
at o'clock M.


Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

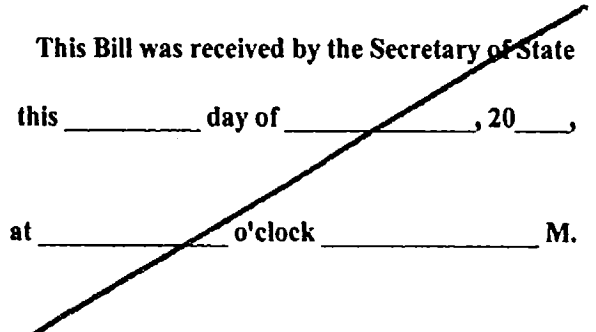

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.


Secretary of State

H.B. 2028

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 15, 2002,

by the following vote: 57 Ayes,

1 Nays, 2 Not Voting

[Signature]
Speaker of the House

Norman L. Spore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

15 day of May, 2002,

at 3:00 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 20 day of

May, 2002,

at 10:16 o'clock A M.

[Signature]
Governor of Arizona

H.B. 2028

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20 day of May, 2002,

at 3:54 o'clock P M.

[Signature]
Secretary of State